

Andrea L. Taylor

From: Leyza F. Blanco
Sent: Tuesday, November 03, 2015 2:07 PM
To: kprice@cohenlaw.com
Cc: Andrea L. Taylor; Jennifer Mahaffey Diaz; Roy S. Kobert; SSheldon@cohenlaw.com
Subject: Re: Mark Richardson (14-4875) - Proposed Deadlines for Summary Judgment Motions
Attachments: ATT00001.jpg; ATT00004.jpg

Oh ok. The way I read it I thought you were contacting a different judge prior to scheduling with Judge Delano. If that is the case then Andrea and Jenny will reach out to your office asap to agree on when they can contact Judge Delano's clerk for a scheduling call.

I will check if we can assist with scheduling Mr. Paterson. If we can, we will do so. I will be back to you as soon as I know.

We will agree to a process for the depositions to be used in the US proceeding. I am not sure what you are referring to as the appointment of a commission but will work with you to simplify the process.

On Nov 3, 2015, at 1:50 PM, "kprice@cohenlaw.com" <kprice@cohenlaw.com> wrote:

Leyza,

My apologies - I inadvertently stated Judge Bonner (presiding in a different case) rather than Judge Delano in my prior email. If I understand correctly, you and Roy will not object to these depositions being taken in the UK, but you can only assist in arranging a date for Ms. Hill and not Mr. Paterson? Also, if we were to agree to take both of these depositions in the UK (which I am not agreeing to by asking this question), would you be willing to stipulate to the appointment of a commission and all other formalities needed to have the depositions used as evidence in the Chapter 15 proceedings? I did something similar to this by stipulation for a number of depositions taken in Germany and used in a Florida state case, so we can draw that on experience if helpful.

Kelley Geraghty Price, Esq.

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To: "kprice@cohenlaw.com" <kprice@cohenlaw.com>,
Cc: "Andrea L. Taylor" <Andrea.Taylor@gray-robinson.com>, "Jennifer Mahaffey Diaz" <Jennifer.Mahaffey@gray-robinson.com>, "Roy S. Kobert" <Roy.Kobert@gray-robinson.com>, "SSheldon@cohenlaw.com" <SSheldon@cohenlaw.com>
Date: 11/03/2015 11:05 AM
Subject: Re: Mark Richardson (14-4875) - Proposed Deadlines for Summary Judgment Motions

Kelley:

To be clear, although you have not scheduled Ms. Hill or Mr. Paterson for deposition, we have no objection to your taking of their depositions. We will not however produce either of them in the U.S. as they are not parties to the U. S. Proceeding. As you are aware, Mr. Paterson retired and is no longer the Trustee or the Foreign Representative in the U.S. Proceeding. You are free to depose either of them in the U.K. or perhaps in a less costly method by video conference. We can help you arrange a mutually convenient date for Ms. Hill if you wish to send proposed dates along.

I am not sure who Judge Bonner is or why he/she is referenced in your email below. Let me know if this is a precursor to getting our assistants to coordinate the FEH with Judge Delano's office or whether they can proceed to schedule a call and select a date. I will revert back with a draft order in the interim with the agreed upon dates below and a blank for the FEH.

Thanks,
Leyza

On Oct 29, 2015, at 4:22 PM, "kprice@cohenlaw.com" <kprice@cohenlaw.com> wrote:

Thank you for the response to my various emails. I look forward to receiving the additional documents you have agreed to produce as soon as possible. For those you have not agreed to produce, I will address with the court.

As to the schedule, I agree to 11/6/15 for the submission of Motions for Summary Judgment and to 11/20/15 for responses. I can tentatively agree to 11/6/15 for the exchange of witness lists, but with a caveat. I will be filing a Motion to Compel the depositions of Elizabeth Hill and Simon Paterson based on the deposition of David Elliot. I expect to have this Motion to Compel filed by Monday. Depending on the court's availability and the ruling on this Motion to Compel, it could affect the exchange of witness lists by 11/6/15 - however I suggest we agree to this date and if it has to be extended we can do so. I agree we will need to check with Judge Bonner on the dates for a final evidentiary hearing and agree to your suggestion below regarding deadlines for discovery and exhibit lists.

If there are other issues we need to discuss, please let me know.

Thanks.

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<ATT00002.jpg>
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From: "Leyza F. Blanco" <Leyza.Blanco@gray-robinson.com>
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Cc: "Andrea L. Taylor" <Andrea.Taylor@gray-robinson.com>, "SSheldon@cohenlaw.com" <SSheldon@cohenlaw.com>
Date: 10/27/2015 04:07 PM
Subject: RE: Mark Richardson (14-4875) - Proposed Deadlines for Summary Judgment Motions

Kelley:

Sorry for the delay in responding. Roy was out of town and returned Monday and we could not connect until last evening.

In respect to your request for: a) the correspondence and written communications with CEL and/or BDO regarding the Proof of Debt claim (including the letter of January 22, 2014 referenced in the Martin Woodhall emails marked as part of Ex. 24 at Mark Richardson's deposition; and b) all correspondence and written communications with HMRC regarding its creditor claim and approval of same, I will request these additional documents from our clients and will get back to you if any exist. If such production is not privileged or is not in violation of a U.K. order, we will provide the documents upon receipt from our client.

We do not agree to produce the Trustees' time records for the UK bankruptcy proceedings and the amended orders ("request for sanctions") relating to costs approved for the US Chapter 15 proceedings as these are irrelevant to the issues of COMI or recognition.

We do not plan on calling any additional witnesses. However, we would need to also know whether you plan on calling any additional witnesses. I suggest we file a witness list for the FEH by November 6, 2015. The prior order required the filing of a Witness List. I recommend we agree to a discovery cutoff and exhibit deadlines seven days and three days prior to the scheduled FEH consistent with the prior order, D.E. 77, Paragraph 6.

We have not and will not be calling Casey Wolff as a witness nor do we intend to seek his deposition.

In respect to the Application filed in the UK bankruptcy for the appointment of Mr. Elliot and Ms. Hill as Co-Trustees, we will endeavor to obtain a copy and produce it if it exists and such production is not otherwise privileged or in violation of a U.K. order.

In respect to the suggested briefing schedule in your October 15, 2015 e-mail, the prior order D.E. 77 set a deadline for filing of all summary judgment motions by both parties on the same date in paragraph 4. Consequently, we do not agree they must be staggered. I would suggest going out a couple of days longer than you suggested to Nov. 6 for the deadline for filing the motions for summary judgment by both parties and, as you suggested, having a deadline for a response 14 days later on November 20, 2015.

We can seek an FEH sometime thereafter although I saw you are out in November and I am out in December between Christmas returning on January 5. We can see what dates the Court has available that work for all of us.

Let me know if this works and I will prepare a draft order.

Thanks,
Leyza